IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

WP(C).No. 19918 of 2006(U)

PETITIONER:

RASIA BEEVI,
LAB ASSISTANT, GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL, MUTTARA, KOLLAM.

BY ADV. SRI.M.V.BOSE
SRI.VINOD MADHAVAN
SMT.NISHA BOSE

RESPONDENTS:
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1. **THE STATE OF KERALA,**
REP. BY THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (SPECIAL CELL) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. **THE DIRECTOR,**
VOCATIONAL HIGHER SECONDARY EDUCATION,
THIRUVANANTHAPURAM.

3. **THE PRINCIPAL,**
GOVERNMENT VOCATIONAL HIGHER SECONDARY SCHOOL,
MUTTARA, KOLLAM.

BY GOVERNMENT PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE ORDER DATED 31-7-01 OF THE PRL. SECRETARY TO GOVT.**
EXT.P2	**TRUE COPY OF THE JUDGMENT DATED 29-1-01 IN O.P.11539/00**
EXT.P3	**TRUE COPY OF THE G.O.(RT)NO.860/2002/G1.EDN. DATED 16-4-02**
EXT.P4	**TRUE COPY OF THE G.O.(RT)NO.1245/05/G.EDN. DTD. 29-3-05**
EXT.P5	**TRUE COPY OF THE LETTER FROM THE PRINTING DEPARTMENT.**
EXT.P6	**TRUE COPY OF THE APPLICATION BEFORE THE SECOND RESPONDENT FROM THE PETITIONER.**
EXT.P7	**TRUE COPY OF THE ORDER DTAED 18-7-06 OF THE DIRECTOR, VOCATIONAL HIGHER SECONDARY EDUCATION, THIRUVANANTHAPURAM.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(C).No. 19918 OF 2006

Dated this the 17th day of January, 2007

JUDGMENT

Petitioner challenges Ext.P7 and seeks a direction to retain her as Lab Assistant in Govt. Vocational Higher Secondary School, Muttara till 26-04-2007.

2. Petitioner while working as Compositor Grade I in the printing department was sent on deputation as Lab Assistant in the year 2001. By Ext.P2 sanction was accorded for further deputation as Lab Assistant for another year. Ext.P4 evidences that deputation is granted for a further period of one year with effect from 26-04-05 or till a regular hand through Public Service Commission joins duty whichever is earlier, but without deputation allowance. Therefore the term of deputation came to end on 26-04-2006. Further, petitioner made a request for extension up to 26-04-2007. There is no objection as far as the Director of

Government Central Press, Thiruvanthapuram is concerned. By Ext.P7 Government rejected the request for extension of the fifth term of the deputation noting that petitioner does not have qualification as per special rules and Principal of the school was directed to revert the petitioner immediately.

3. Government has filed counter affidavit pointing out that at the time of the sanctioning of deputation there were no special rules for the post. Special Rules came into force only in 2004 and petitioner does not have the qualification. Special Rules were made in terms of the job requirements. It is also pointed out that petitioner does not have any legal right.

4. Learned counsel for the petitioner Sri.M.V.Bose would contend that the only relief sought by the petitioner is to permit her to continue till 26-04-2007 and only a few months time is sought for by her. He also points out that petitioner has a retarded child and her husband is a street vendor and there is nobody to look after the child. He submits that after 26-04-2007, petitioner can be reverted in terms of Ext.P7.

5. Learned Government Pleader would reiterate the contentions in the counter affidavit. But, I feel that having regard to all facts including the fact that Ext.P7 was kept in abeyance by this court from 28-07-2006 and petitioner's request is only for a few months, the writ petition is disposed of directing that Ext.P7 will be kept in abeyance till 26-04-2007.

Writ petition is disposed of as above.

K.M.JOSEPH
JUDGE

sv.